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The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

RE: Hawksley v. Unum Life Insurance Company of America, et. al.
C.A. No.: 04-1305

Dear Judge Jordan:

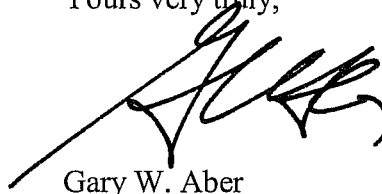
As you will recall, this is an ERISA claim brought under the provisions of 29 U.S.C. §1002, et.seq.

An original scheduling conference was held with the Court on January 5, 2005, during which the Court requested legal memorandum concerning the nature and extent of any discovery in this matter. The parties exchanged memorandum, and a second telephone conference proceeded on February 25, 2005. Unfortunately, I do not believe a scheduling order was ever entered in this case. This issue arises, because the parties have discussed resolving this matter through mediation, however, it is our understanding that the matter cannot be mediated through the offices of Magistrate Judge Thyng, without a formal scheduling order and accompanying referral order from the Court.

Accordingly, I write on behalf of both counsel asking that a scheduling order be entered, and that this matter be referred to the Magistrate for mediation.

Thank you for your Honor's consideration.

Yours very truly,



Gary W. Aber

GWA/mac

cc: Kirk Wolgenmutch, Esquire